

## **Additional Recommendations**

After the investigator has drafted the report the following recommendations will improve its quality.

### **Proof Reading**

- Use spell check and other computer software applications (e.g., thesaurus, grammar check, and spacing codes) to review the report.
- Proofread the report, then have someone else in the office proofread the report. Ask the individual to pay particular attention to:
  - ▶ Misspellings
  - ▶ Typographical Errors
  - ▶ Missing Words
  - ▶ Grammar
  - ▶ Appropriate Style
  - ▶ Proper Formatting
  - ▶ Correct Fonts
  - ▶ Page Setup
  - ▶ Correct Page Numbering
- Verify pertinent case record information contained within the report:
  - ▶ Custodian's Names
  - ▶ Children's Names
  - ▶ Children's Ages, Dates of Birth, and with Whom they reside
  - ▶ Attorney's Names
  - ▶ Attorney's Addresses
  - ▶ Domestic Violence Screening Results

NOTE: If the investigator uses a template, it is important to modify it as the court rules and statutes change.

### **Filing of the Report**

The procedure by which a custody investigation is delivered to the court is a matter that should be considered carefully. Under the law, custody or parenting time investigations are not admissible into evidence unless the parties or their attorneys have so stipulated. However, the

judge or referee may consider the report.<sup>1</sup> The report is not a public record, in contrast to pleadings, responses and orders. Therefore, the report should be delivered to the referee or judge in a manner so that it **will not be placed with other documents in the court file**.

It is recommended the report be brought to the court sealed and labeled for placement in a temporary file. In the alternative, a note should be attached to the report indicating it should **not** be placed in the court file.

A copy of the report should be retained in the friend of the court file. The statute requires that it be made available to the parties and their counsel.<sup>2</sup> The report submitted to the court should always be complete and be accompanied by the supporting documents (such as psychological reports).

MCR 3.218(A)(3)(a) lists notes from investigations as “confidential information.” Although the report and recommendation must be made available to the parties, notes used in preparing the report are confidential information. A party who wishes to view these notes must obtain a court order to do so.

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<sup>1</sup> *Duperon v Duperon*, 175 Mich App 77 (1989); *Nichols v Nichols*, 106 Mich App 584 (1981); *Hoffman, Hoffman*, 119 Mich App 79 (1982). At the time of publication, legislation was pending which would amend Subsection 17d(4) of the Friend of the Court Act effective December 1, 2002. The amendment allows the court to use the report from parenting time investigation to establish facts to the extent no other evidence is presented and if the parties stipulate or do not object to its use.

<sup>2</sup> MCL 552.507(4).